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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/646,162

08/22/2003

Keith C. Thomas

P1976US00

9183

24333

7590

10/19/2004

GATEWAY, INC.

ATTN: SCOTT CHARLES RICHARDSON

610 GATEWAY DRIVE

MAIL DROP Y-04

N. SIOUX CITY, SD 57049

EXAMINER

HUNNINGS, TRAVIS R

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,162

Applicant(s)

THOMAS, KEITH C.

Examiner

Travis R Hunnings

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because descriptive labels are not provided for blocks 224 and 226 in figure 3b. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: on page 7 line 14 there is extra text that makes no sense with the surrounding text, the unnecessary text is "through 6 illustrate display assemblies employing a".

Appropriate correction is required.

Claim Objections

3. Claims 2, 4 and 6 are objected to because of the following informalities: The abbreviation HDD must be spelled out so that it is clear what the applicant regards as his invention. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 5, 6 and 7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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6. Regarding claim 5, the phrase "capable of" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Applicant is advised that should claims 2 and 3 be found allowable, claims 6 and 7 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

However to further prosecution of the application, examiner has interpreted claims 6 and 7 to be dependent on claim 5 for further being treated on merit.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bush et al. (Bush; US Patent 5,214,762).

Regarding claim 1, Bush discloses Disk Drive Activity Indicator that has the following claimed subject matters:

The claimed activity indicator visible from a front panel of the electronic device is met by the LED mounted on the front panel of a desktop computer (abstract);

The claimed activity indicator configured to provide a continuous indication of the presence of a first continuous operating condition associated with the electronic device is met by the LED being triggered in response to I/O operations involving the hard drive (abstract) and therefore by definition the LED is not triggered (turned off) during the period when the computer is on but there is no activity involving the hard drive.

Therefore the LED is continually indicating that there is no activity in the hard drive while it is off;

The claimed activity detection circuit coupled to the activity indicator is met by the activity indicator triggering logic (46);

The claimed activity detection circuit configured to generate an activity signal when detecting a second periodic operating condition associated with the electronic component and to communicate the activity signal to the activity indicator is met by the triggering logic on the motherboard detecting the I/O operations involving the hard drive and activating the LED by use of a retriggerable monostable multivibrator (abstract);

The claimed activity indicator being interrupted from continuously indicating the presence of the first continuous operating condition by the activity signal, thereby producing an indication of the second periodic operating signal is met by the LED being

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triggered (turning on) when the triggering logic detects an I/O function relating to the hard drive (abstract).

See figure 4.

The indications of the disclosed invention and claimed invention both correspond to the same events; the activation and non-activation of an electronic device such as a hard disk drive. The choice of indications themselves, whether they are continuously on and interrupted on activation or continuously off and turned on during activation, does not merit novel inventive material. Therefore it would have been obvious to one of ordinary skill in the art to have chosen either of the above mentioned indication choices.

Regarding claim 2, the claimed first continuous operating condition including a power-on operating condition is met by the LED not being triggered while the computer is powered-on and there is no access to the hard disk drive (see rejection to claim 1 stated above). The claimed second periodic operating condition including a HDD operating condition is met by the LED being triggered when the hard drive is accessed (abstract).

Regarding claim 3, the claimed activity indicator including a single color LED is met by the LED mounted on the front panel of the desktop computer. The LED has only two possible states; an on-state and an off-state. Therefore it would have been obvious to one of ordinary skill in the art to use a single-color LED to reduce costs because the extra functionality of a multi-color LED would not be needed or desired.

Regarding claim 4, the claimed electronic device including a computer system and the component including a HDD is met by the desktop computer having a hard disk drive activity indicator such as an LED mounted on the front panel remote from its associated hard disk drive (abstract).

Regarding claim 5, the claim is interpreted and rejected as claim 1 stated above.

Regarding claim 6, the claim is interpreted and rejected as claim 2 stated above.

Regarding claim 7, the claim is interpreted and rejected as claim 3 stated above.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Clohset et al. discloses PCI Bus Hard Disk Activity LED Circuit, US 5,623,691.

Saliba discloses Wireless Secondary Interface for Data Storage... US 5,894,425.

Dornier discloses Diagnostic Display Using Front Panel LEDS, US 5,646,535.

Jeffries discloses Systems and Method for Assigning..., US 5,636,342.

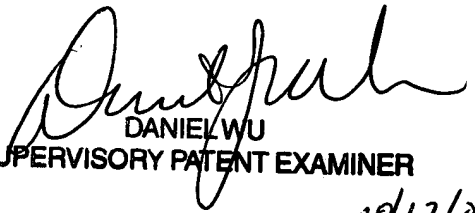
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R Hunnings whose telephone number is (571) 272-3118. The examiner can normally be reached on 8:00 am - 5:00 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J Wu can be reached on (571) 272-2964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TRH
TGH


DANIEL WU
SUPERVISORY PATENT EXAMINER
10/17/04